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09/206,627	12/07/1998	ALVIN C. ALLEN JR.	30.1	5755

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EXAMINER	
PEREZ GUTIERREZ, RAFAEL	
ART UNIT	**PAPER NUMBER**
2686	33

DATE MAILED: 12/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/206,627	Allen, Jr.	
	Examiner	Art Unit	
	Rafael Perez-Gutierrez	2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 June 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-11,14,16-22 and 24-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-11,14,16-22 and 24-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This Action is in response to the Decision on Appeal made by the United States Patent and Trademark Office Board of Patent Appeals and Interferences on June 9, 2004. **Claims 1-11, 14, 16-22, and 24-33** are still pending in the present application. **This Action is made NON-FINAL.**

Claim Objections

2. **Claims 2, 4, 21, and 24-26** are objected to because of the following minor informality: On **line 1** of **claims 2, 4, 21, and 24-26**, replace "comprising" with --comprising:--. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office Action:

> A person shall be entitled to a patent unless -- (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 26-33 are rejected under 35 U.S.C. 102(e) as being anticipated by **Mohan (U.S. Patent # 6,121,922)**.

Consider **claims 26 and 27**, Mohan et al. clearly show and disclose a geographic position determination and communications module 500 (triggerable location-reporting apparatus) (figure 1) comprising:

a global positioning system (GPS) receiver 520 (location-signal generating device; reads on GPS processor of claim 27) (figure 1) configured to produce a location signal when enabled (abstract, column 2 lines 4-19, column 3 lines 2-15, column 5 lines 10-15, and claims 1, 7, 9, and 12);

a communications transceiver 540 (telemetry transmitter) (figure 1) coupled to the GPS receiver 520 (location-signal generating device) configured to transmit the location signal when enabled (abstract, column 2 lines 4-19, column 3 lines 2-15, and claims 1, 7, 9, and 12); and

a system (enable) controller 515 (figure 1) configured to enable the GPS receiver 520 (location-signal generating device) and the communications transceiver 540 (telemetry transmitter) when it receives a request (trigger signal) and to disable the GPS receiver 520 (location-signal generating device) and the communications transceiver 540 (telemetry transmitter) after the communications transceiver 540 (telemetry transmitter) transmits the location signal (abstract, column 2 lines 4-19, column 3 lines 2-15, column 5 lines 10-15 and 44-49, and claims 1, 7, 9, and 12).

Consider **claim 28**, and **as applied to claim 27 above**, Mohan et al. further show and disclose that the system (enable) controller 515 (figure 1) comprises a communications transceiver 540 (page receiver) which produces a enable signal when it receives a request (page) (abstract, column 2 lines 4-19, column 3 lines 2-15, column 4 lines 49-52, column 5 lines 10-15,

and claims 1, 7, 9, and 12).

Consider **claim 29**, and **as applied to claim 28 above**, Mohan et al. also disclose that the GPS receiver 520 (GPS processor) (figure 1) generates the location signal in response to the enable signal (abstract, column 2 lines 4-19, column 3 lines 2-15, column 5 lines 10-15, and claims 1, 7, 9, and 12).

Consider **claims 30 and 31**, and **as applied to claims 26 and 28 above**, Mohan et al. further show and disclose that power is not applied to the GPS receiver 520 (GPS processor) (figure 1) and the communications transceiver 540 (telemetry transmitter) until the module 500 (apparatus) receives a request (page) (abstract, column 2 lines 4-19, column 3 lines 2-15, column 4 lines 49-52, column 5 lines 10-15, and claims 1, 7, 9, and 12).

Consider **claims 32 and 33**, and **as applied to claim 26 above**, Mohan et al. further show and disclose that the communications transceiver 540 (telemetry transmitter) comprises a cellular or a satellite transceiver (figure 1 and column 3 lines 2-15).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office Action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

5. **Claims 1-11, 14, 16-22, 24, and 25** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Janky et al. (U.S. Patent # 5,777,580)** in view of **Mohan (U.S. Patent # 6,121,922)**, and further in view of **Westerlage et al. (U.S. Patent # 5,826,195)**.

Consider **claims 1-4, 19, 20, and 22**, Janky et al. clearly show and disclose method and a vehicle location system (triggerable location-reporting apparatus) for use in an environment including: satellites 35A-D (source) outputting Global Positioning Satellite (GPS) System signals; a Vehicle Location Service Center (VLSC) 15 (source) outputting an interrogation (trigger) signal (IS) (page); a cellular base station connected through a network to a gateway; the cellular base station being configured to expect a Reverse Control Channel (RECC) signal including a Mobile Identification Number (MIN) and an Electronic Serial Number (ESN) (column 7 line 6 - column 8 line 4), the vehicle location system (triggerable location-reporting apparatus) comprising:

a power supply 34, 34' coupled to a power supply connection (figure 5 and column 13 lines 4-16);

a location determination system (LDS) receiver/processor 31 (GPS receiver) responsive

to the GPS signals for producing GPS data when enabled (abstract and figures 1, 2, 5, and 6, and column 11 lines 15-19);

an IS communications transmitter or responder means 27 (cellular network transmitter) coupled to the LDS receiver/processor 31 (GPS receiver) for formatting and transmitting, when enabled, a RECC signal including the formatted GPS data to the gateway (abstract, figures 1, 2, 5, and 6, and column 5 lines 42-53);

an IS communications receiver 21 (trigger signal receiver) responsive to the IS (trigger signal) for producing an enable signal (abstract and figures 1, 2, 5, and 6);

a controller 25 (enable controller) coupled to the LDS receiver/processor 31 (GPS receiver), the IS communications transmitter or responder means 27 (cellular network transmitter), and the IS communications receiver 21 (trigger signal receiver) (figures 1, 2, 5, and 6); and

the controller 25 (enable controller) being configured to wake-up (enable, switch on), by means of a first switchable power signal, the LDS receiver/processor 31 (GPS receiver) and, by means of a second switchable power signal, the IS communications transmitter or responder means 27 (cellular network transmitter) when it receives an enable signal from the IS communications receiver 21 (trigger signal receiver).

However, Janky et al. do not specifically disclose that the controller 25 (enable controller) is configured to put back to sleep (disable, switch off, disconnect) the LDS receiver/processor 31 (GPS receiver) and the IS communications transmitter or responder means 27 (cellular network transmitter) upon transmission of the location of the vehicle (object).

In the same field of endeavor, Mohan clearly shows and discloses a method and a tracking system comprising a global positioning satellite (GPS) receiver 520, a communications transceiver 540, and a controller 515 in which the controller 515 is configured to disable (switch off, disconnect) the GPS receiver 520 and the communications transceiver 540 after transmitting geographic position information in order to conserve power (abstract, figure 1, column 2 lines 4-19, and column 3 lines 2-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure, in the method and system of Janky et al., the controller to disable the LDS receiver/processor 31 (GPS receiver) and the IS communications transmitter or responder means 27 (cellular network transmitter) as taught by Mohan for the purpose of conserving power.

However, Janky et al., as modified by Mohan, do not specifically disclose that the RECC signal includes the formatted GPS data in the place normally occupied by the ESN and a MIN that will cause the cellular base station to send a Registration Notification Invoke signal including the formatted GPS data to the gateway.

In the same field of endeavor, Westerlage et al. clearly show and disclose a data messaging system and a data messaging unit 16, equipped with a cellular transceiver 38, that generates a data message (e.g., GPS data) in response to a reporting event (trigger signal). Said data message (e.g., GPS data) is transmitted by the cellular transceiver 38, in a Reverse Control Channel, by altering the Electronic Serial Number and the Mobile Identification Number of the cellular transceiver 38. A cellular base station receives the data message and, after recognizing

the altered identifier, forwards the message to a platform (gateway) (abstract, figures 1 and 2, column 1 line 62 - column 2 line 30, column 6 lines 55-65, column 9 lines 4-17, and column 10 line 16 - column 12 line 4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the teachings of Janky et al., as modified by Mohan, with the teachings of Westerlage et al. in order to provide a triggerable location-reporting apparatus that takes advantage of existing communications protocols as well as existing cellular communications equipment at a reduced cost and complexity when communicating data messages in the place normally occupied by the ESN and the MIN, as recognized by Westerlage et al. (column 2 lines 6-13).

Consider **claims 5-7**, and **as applied to claim 4 above**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention except that the power supply is a battery claim 5), a vehicle battery (claim 7), or a solar cell (claim 6).

Westerlage et al. further show and disclose that the power supply could be a battery, a vehicle battery, or a solar cell (figure 2 and column 7 lines 30-40).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to further modify the teachings of Janky et al., as modified by Mohan, with the teachings of Westerlage et al. in order to provide a variety of power supply sources.

Consider **claims 8, 9, and 11**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 2 above**, and, in addition, Janky et al. further show and disclose that the location

determination system (LDS) receiver/processor 31 (GPS receiver), the IS communications transmitter or responder means 27 (cellular network transmitter), and the IS communications receiver 21 (trigger signal receiver) are housed in a housing (figure 5) configured to be installed in a vehicle or in any object to be tracked (figures 1 and 2 and column 13 lines 4-16).

Consider **claim 10**, and **as applied to claim 8 above**, although the combined teachings of Janky et al., Mohan, and Westerlage et al. do not specifically disclose that the housing comprises at least a portion of an article of clothing, the Examiner takes Official Notice of the fact that is well known in the art of location monitoring to have location monitoring devices in at least part of an article of clothing, therefore, using the claimed apparatus in such environment would have been obvious to a person of ordinary skill in the art at the time the invention was made for the purpose of, for example, monitoring persons or inventory. Numerous references showing such feature have been cited by the Applicant as part of the information disclosure statements.

Consider **claim 14**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and, in addition, Janky et al. further disclose that the IS communications transmitter or responder means 27 (cellular network transmitter) comprises a cellular telephone (column 7 lines 2-5).

Consider **claim 16**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and, in addition, Janky et al. further disclose that the IS (trigger signal) comprises a page signal (column 5 lines 10-15).

Consider **claims 17 and 18**, Janky et al., as modified by Mohan, and as further modified

by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 1 above**, and, in addition, Janky et al. further disclose that the source of IS (trigger signal) can be a vehicle trigger event sensor 36 (e.g., alarm, remote control, or the like) (column 12 line 43 - column 13 line 3).

Consider **claim 21**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 19 above**, and, in addition, Janky et al. further show and disclose receiving the location signal at an IS contact receiver 43 (e.g., gateway) and communicating the transmitted location to a VLSC 15 (service provider) (figures 1 and 2 and column 12 lines 16-42).

Consider **claim 24**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 19 above**, and, in addition, Janky et al. further disclose determining if the vehicle is moving and continuing to transmit the location of the vehicle while it is moving (column 12 lines 23-26).

Consider **claim 25**, Janky et al., as modified by Mohan, and as further modified by Westerlage et al., clearly show and disclose the claimed invention **as applied to claim 19 above**, and, in addition, Janky et al. further disclose storing the location of the vehicle (e.g., last known location) and transmitting the stored location of the vehicle if the ability to determine location ceases (column 11 lines 60-65 and column 12 lines 26-33).

6. **Claims 26-33** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Janky et al. (U.S. Patent # 5,777,580)** in view of **Mohan (U.S. Patent # 6,121,922)**.

Consider **claim 26**, Janky et al. clearly show and disclose a vehicle location system (triggerable location-reporting apparatus) comprising:

a location determination system (LDS) receiver/processor 31 (location-signal generating device) configured to produce a location signal when enabled (abstract and figures 1, 2, 5, and 6);

an interrogation signal (IS) communications transmitter or responder means 27 (telemetry transmitter) coupled to the LDS receiver/processor 31 (location-signal generating device) configured to transmit the location signal when enabled (abstract, figures 1, 2, 5, and 6, and column 5 lines 42-53); and

a controller 25 (enable controller) configured to wake-up (enable) the LDS receiver/processor 31 (location-signal generating device) and the IS communications transmitter or responder means 27 (telemetry transmitter) when it receives an interrogation (trigger) signal (IS) (abstract, figures 1, 2, 5, and 6, column 11 lines 26-40, and claims 1-8).

However, Janky et al. do not specifically disclose that the controller 25 (enable controller) is configured to put back to sleep (disable) the LDS receiver/processor 31 (location-signal generating device) and the IS communications transmitter or responder means 27 (telemetry transmitter) after the IS communications transmitter or responder means 27 (telemetry transmitter) transmits the location signal.

In the same field of endeavor, Mohan clearly shows and discloses a tracking system comprising a global positioning satellite (GPS) receiver 520, a communications transceiver 540, and a controller 515 in which the controller 515 is configured to disable (switch off, disconnect)

the GPS receiver 520 and the communications transceiver 540 after transmitting geographic position information in order to conserve power (abstract, figure 1, column 2 lines 4-19, and column 3 lines 2-20).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to configure, in the system of Janky et al., the controller to disable the LDS receiver/processor 31 (GPS receiver) and the IS communications transmitter or responder means 27 (cellular network transmitter) as taught by Mohan for the purpose of conserving power.

Consider **claim 27**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 26 above**, and, in addition, Janky et al. further disclose that the LDS receiver/processor 31 (location-signal generating device) comprises a GPS processor (abstract and column 11 lines 15-19).

Consider **claim 28**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 27 above**, and, in addition, Janky et al. further show and disclose that the controller 25 (enable controller) is coupled to an IS communications receiver 21 (pager receiver) (abstract, figures 1, 2, 5, and 6, and column 6 line 65 - column 7 line 1) which produces an enable signal when it receives a page (column 8 lines 5-14).

Consider **claim 29**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 26 and 28 above**, and, in addition, Janky et al. further disclose that the GPS processor generates the location signal in response to the enable signal (column 11 lines 31-35).

Consider **claim 30**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 28 and 29 above**, and, in addition, Janky et al. further disclose that the GPS processor is in a "sleeper" mode (power is not applied) until the system receives a page (column 11 lines 35-40).

Consider **claim 31**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 26 above**, and, in addition, it is inherently taught by Janky et al. that power is also not applied to the IS communications transmitter or responder means 27 (telemetry transmitter) until the system receives a page since one of the motivations of Janky et al. when developing the system was to reduce power consumption by the system equipment (column 4 lines 46-62).

Consider **claims 32 and 33**, Janky et al., as modified by Mohan, clearly show and disclose the claimed invention **as applied to claim 26 above**, and, in addition, Janky et al. further disclose that the IS communications transmitter or responder means 27 (telemetry transmitter) comprises a cellular telemetry transmitter or a satellite telemetry transmitter (column 7 lines 2-5).

Conclusion

7. Any response to this Office Action should be **faxed to** (703) 872-9306 **or mailed to**:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Hand-delivered responses should be brought to

220 S. 20th St.
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

8. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Rafael Perez-Gutierrez whose telephone number is (703) 308-8996. The Examiner can normally be reached on Monday-Thursday from 6:30am to 5:00pm.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Marsha D. Banks-Harold can be reached on (703) 305-4379. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700 or call customer service at (703) 306-0377.

Rafael Perez-Gutierrez
R.P.G./rpg

RAFAEL PEREZ-GUTIERREZ
PATENT EXAMINER

REINHARD EISENZOPF
ACTING DIRECTOR
TC 2600

December 13, 2004